

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No. 03-CV-473

AYMAN MIHIAR,  
Plaintiff,

v.

BOVIS LEND LEASE; BOVIS LEND  
LEASE, INC.; BOVIS LEND LEASE  
HOLDINGS, INC.; LEND LEASE  
COMPANY; TOM MATYOLA; PETE  
MARCHETTO; KAREN COE; MICHAEL  
FEIGIN; SIMON HICKEY; DENIS  
MOORE and MARK MELSON,

Defendants.

**MOTION FOR EXTENSION OF TIME**

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, Defendants Bovis Lend Lease, Inc. and Bovis Lend Lease Holdings, Inc. (incorrectly plead as "Bovis Lend Lease," which is not a legal entity, and hereafter referred to separately as "Bovis, Inc." and "Bovis Holdings"), Lend Lease Corporation Limited (incorrectly plead as Lend Lease Company), Tom Matyola ("Matyola"), Pete Marchetto ("Marchetto"), Karen Coe ("Coe"), Michael Feigin ("Feigin"), Simon Hickey ("Hickey"), Tom Matyola ("Matyola"), Denis Moore ("Moore") and Mark Melson ("Melson"), request an extension to respond to the Complaint in this matter. In support of this motion, Defendants show the Court as follows:

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1. The underlying action was filed in Mecklenburg County Superior Court on August 29, 2003. The Defendants received purported service of the Summons and Complaint on September 2, 2003.
2. Defendants removed this action to this court on September 29, 2003, and have until October 6, 2003 to file their response.
3. Accordingly, the time of Defendants for answering or otherwise pleading has not yet expired.
4. Defendants request an additional twenty (20) days, up to and including October 26, 2003, in which to respond to the Complaint.
5. Counsel for Matyola and counsel for the remaining Defendants have contacted counsel for Plaintiff to request plaintiff's consent to this motion. Plaintiff's counsel will not agree to an extension unless Defendants waive all objections to service. Defendants are not in a position to waive service objections at this time, particularly as to the Australian corporation. Defendants' objections to service and jurisdiction are being evaluated.

WHEREFORE, Defendants pray the Court for a twenty (20) day extension of time within which to answer or otherwise plead to the Complaint, up to and including October 26, 2003, and for such other relief as the Court deems just and proper.

This the 1<sup>st</sup> day of October, 2003.

Respectfully submitted,

By:

  
Margaret Behringer Maloney (N.C. Bar No.  
13253)  
HAMILTON GASKINS FAY & MOON, PLLC  
2020 Charlotte Plaza  
201 South College Street  
Charlotte, North Carolina 28244-2020  
Telephone: (704) 344-1117  
Facsimile: (704) 344-1483

*Counsel for Bovis Lend Lease, Inc., Bovis Lend Lease Holdings, Inc., Lend Lease Corporation Limited (incorrectly plead as Lend Lease Company), Pete Marchetto, Karen Coe, Michael Feigin, Simon Hickey, Denis Moore, and Mark Melson*

Guy M. Allen (N.Y. Bar No. 5032)  
(Motion for Admission *pro hac vice* to be filed)  
Neil S. Rosolinsky (N.Y. Bar No. NR1869)  
(Motion for Admission *pro hac vice* to be filed)  
Abbott, Reiss & Allen, P.C.  
309 West Park Avenue  
Long Beach, New York 11561  
Telephone: 516-889-2700  
Facsimile: 516-889-2497

*Counsel for Bovis Lend Lease, Inc., Bovis Lend Lease Holdings, Inc., Lend Lease Corporation Limited (incorrectly plead as Lend Lease Company and Bovis Lend Lease), Pete Marchetto, Karen Coe, Michael Feigin, Simon Hickey, Denis Moore, and Mark Melson*

By: James F. Wyatt, III

James F. Wyatt, III (N.C. Bar No. 13766)

Robert Blake (N.C. Bar No. 20858)

Law Offices of James F. Wyatt, III

435 East Morehead Street

Charlotte, North Carolina 28202-2609

Telephone: 704-331-0767

Fax: 704-331-0773

*Counsel for Tom Matyola*

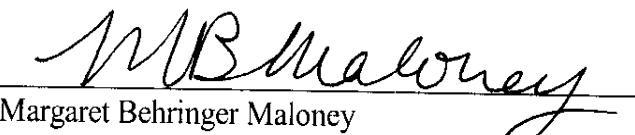
**CERTIFICATE OF SERVICE**

I, Margaret Behringer Maloney, hereby certify that on this date I served the foregoing MOTION FOR EXTENSION OF TIME upon the parties and counsel of record by depositing a copy thereof in the United States mail, postage prepaid and addressed as follows:

Bruce M. Simpson, Esq.  
James, McElroy & Diehl, P.A.  
600 South College Street  
Charlotte, North Carolina 28202  
Telephone: 704-372-9870  
Fax: 704-333-5508

This the 15<sup>th</sup> day of October, 2003.

By:

  
Margaret Behringer Maloney  
HAMILTON GASKINS FAY & MOON, PLLC  
2020 Charlotte Plaza  
201 South College Street  
Charlotte, North Carolina 28244-2020  
Telephone: 704/344-1117